

REMARKS/ARGUMENTS

Applicant thanks the Examiner for the careful consideration given the present application, and respectfully requests favorable reconsideration of the application in view of the comments set forth below.

Drawings

The drawings have been objected to as failing to show every feature of the inventions specified in the claims. Applicant has amended claim 26 to recite only those features illustrated in the drawings, the approval of which is respectfully requested.

Claim Objections – 37 C.F.R. §1.126

An objection has been raised regarding the numbering of the claims. As suggested in the Office action, previously misnumbered claims have been renumbered consecutively with the original claim numbers. Accordingly, claims 1-28 are now numbered consecutively in compliance with 37 C.F.R. §1.126.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 1-4, 6 and 22 stand rejected under 35 U.S.C. §102(e) as being anticipated by Jungert (US 7,055,891) (hereinafter “Jungert”). However, Applicant respectfully submits that Jungert fails to teach every feature of the invention recited in the claims.

Specifically with regard to claim 1, Applicant respectfully submits that Jungert fails to teach or disclose that the deflector cells are to each be coupled to the air dam frame in a lateral spatial arrangement along the underside of the land vehicle and, when deployed, project from an upward position in a generally downward direction, as claimed. Claim 1 requires a lateral spatial arrangement of the deflector cells along the underside of the vehicle and downward deployment of such deflector cells. In contrast, Jungert discloses a single longitudinal spatial arrangement of the inflatable chambers 37, 38, 39 that are aligned one above another in the vertically-downward direction relative to each other, in the same direction of their deployment. According to Jungert,

the “hose 35 may have one or more chambers 37, 38, 39 which – according to FIG. 3 – are situated above one another and have an essentially oval or elliptical cross-section, possibly of a different cross-sectional size.” *Jungert, col. 5, lines 51 (emphasis added)*.

For at least the above reason, Jungert fails to teach every limitation found in amended claim 1 as required to maintain a rejection of that claim under 35 U.S.C. §102(e). Further, since claims 2-4, 17 and 19 depend from claim 1, either directly or indirectly, those claims are also not anticipated by Jungert for the purposes of 35 U.S.C. §102(e).

With regard to claim 22, Jungert fails to teach or disclose suspending a plurality of adjacent inflatable air dam cells in a lateral spatial arrangement spanning along an underside of the vehicle frame for reasons analogous to those discussed above for claim 1. Claim 22 further clarifies that the lateral spatial arrangement comprises a plurality of inflatable air dam cells arranged side by side relative to each other to collectively span a portion of a width of the land vehicle, which is also not taught by Jungert. Again, Jungert discloses a single longitudinal spatial arrangement of the inflatable chambers 37, 38, 39 that are aligned one above another in the vertically-downward direction relative to each other, in the same direction of their deployment. The inflatable chambers 37, 38, 39 of Jungert are simply used as actuators. Jungert fails to teach suspending a plurality of inflatable air dam cells arranged side by side to collectively span a portion of a width of the land vehicle as claimed.

For at least the above reason, Jungert fails to teach every limitation found in amended claim 22 as required to maintain a rejection of that claim under 35 U.S.C. §102(e). Further, since claims 23-25 depend from claim 22, those claims are also not anticipated by Jungert for the purposes of 35 U.S.C. §102(e).

Claim Rejections – 35 U.S.C. § 102(b)

Claims 1, 4, 8, 11-14, 19, 22 and 26 stand rejected under 35 U.S.C. §102(b) as being anticipated by Parks (US 4,585,262) (hereinafter “Parks”). However, Applicant respectfully submits that Parks fails to teach every feature of the invention recited in the claims.

Specifically with regard to claim 1, Applicant respectfully submits that Parks fails to teach or disclose pneumatically-actuated deflector cells. The bristles 20 in Parks are not

pneumatically-actuated, but appear to be solid strands described merely as being suitably stiff, but yieldable to bend and pass over a curb. The bristles 20 in Parks are not pneumatically-actuated, inflatable, or otherwise selectively deployable under the control of any actuator.

For at least the above reason, Parks fails to teach every limitation found in amended claim 1 as required to maintain a rejection of that claim under 35 U.S.C. §102(b). Further, since claims 2-4, 17 and 19 depend from claim 1, either directly or indirectly, those claims are also not anticipated by Parks for the purposes of 35 U.S.C. §102(b).

With regard to claim 22, Applicant respectfully submits that Parks also fails to teach suspending a plurality of adjacent inflatable air dam cells between the vehicle frame and the ground for reasons analogous to those set forth above with regard to claim 1. Namely, the bristles 20 of Parks are solid strands of molded material that are cut to the desired lengths. *See, Parks, col. 2, lines 17.*

Further with regard to claim 22, Applicant respectfully submits that Parks also fails to teach maintaining the inflatable air dam cells in a stowed position adjacent to the underside of the vehicle frame when the inflatable air dam cells are not deployed. The bristles 20 in Parks simply hang downward from the vehicle, and bend when contacting a curb or other object to avoid being damaged. Nowhere in Parks are the bristles 20 maintained in a stowed position adjacent to the underside of the vehicle frame when not deployed.

Also, Parks fails to teach or disclose inflating the inflatable air dam cells to extend them in a downward direction generally to a deployed position as claimed. Again, the bristles 20 are not described as being inflatable, and do not get adjusted between stowed and deployed positions as recited in claim 22.

For at least the above reasons, Parks fails to teach every limitation found in amended claim 22 as required to maintain a rejection of that claim under 35 U.S.C. §102(b). Further, since claims 23-25 depend from claim 22, those claims are also not anticipated by Parks for the purposes of 35 U.S.C. §102(b).

With regard to claim 26, Applicant respectfully submits that Parks fails to teach or suggest that a mounting fixture that includes a plurality of interior passages for conveying a fluid from a fluid source to be delivered to a plurality of nipples projecting from the mounting fixture.

As explained above, there is no fluid flow described in Parks. It follows that the mounting fixture for suspending the bristles 20 also lacks a plurality of interior passages for conveying a fluid from a fluid source to be delivered to a plurality of nipples as claimed.

Parks also fails to teach or disclose a plurality of nipples projecting from the mounting fixture that each define a passage through which a fluid is to exit the nipple. Parks is silent regarding the flow of a fluid through a mounting fixture, as well as nipples for discharging such a fluid. Reference numeral 24 is said in the Office action to refer to the claimed nipples. However, reference numeral 24, like reference numeral 26, refer to two semicircular “legs” that define a channel into which a retaining wire supporting the bristles 20 is inserted. The leg 24 in Parks does not define a passage through which a fluid is to exit the nipple as claimed in claim 26.

Further with regard to claim 26, Applicant respectfully submits that, for reasons analogous to those above with respect to claim 22, Parks fails to teach or disclose that each of the flexible cells includes a bladder to be placed in fluid communication with at least one of the nipples for receiving the fluid discharged through the passage of the at least one nipple. Again, the bristles 20 in Parks are not inflatable, and Parks also does not teach the claimed fluid flow. It follows that Parks also fails to teach that the flexible cells are adjustable to extend into the ground clearance between the underside of the wheeled vehicle and the ground when the fluid is received within the bladder.

For at least the above reasons, Parks fails to teach every limitation found in amended claim 26 as required to maintain a rejection of that claim under 35 U.S.C. §102(b). Further, since claims 27 and 28 depend from claim 22, those claims are also not anticipated by Parks for the purposes of 35 U.S.C. §102(b).

The remaining claims in the present application, namely claims 2-5, 6-17, 19, 23-25, 27 and 28 are also not rendered unpatentable by combinations of references including Jungert or Parks sine those combinations fail to teach every feature recited in those claims for the reasons set forth above. Accordingly, these remaining claims are allowable for the limitations therein and for the limitations of the claims from which they depend.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the

application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. RMD-46195.

Respectfully submitted,
PEARNE & GORDON, LLP

By: /donald j. firca, jr./
Donald J. Firca, Jr. – Reg. No. 48,140

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

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